



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE

5636 Southern Boulevard, Virginia Beach, Virginia 23462

(757) 518-2000 Fax (757) 518-2103

[www.deq.virginia.gov](http://www.deq.virginia.gov)

L. Preston Bryant, Jr.  
Secretary of Natural Resources

David K. Paylor  
Director

Francis L. Daniel  
Regional Director

January 5, 2010

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Andrew Chapman  
Plant Manager  
Hercules, Incorporated  
27123 Shady Brook Trail  
Courtland, VA 23837

RE: Modification of VPDES Permit No. VA0003433  
Hercules Incorporated  
Courtland, VA 23837

Dear Mr. Chapman:

The modification of the above referenced permit has been approved. Additionally, enclosed is a copy of the fact sheet page that describes public participation in the permit modification process. Please replace the page in fact sheet that you received with the draft permit with this page.

Your permit is also enclosed. In accordance with the permit, you are required to submit monitoring reports to the following address:

Department of Environmental Quality (DEQ)  
Tidewater Regional Office  
5636 Southern Boulevard  
Virginia Beach, VA 23462

The reporting forms are included with the permit. You will be responsible for obtaining additional copies of the reporting forms. The first report (DMR) is due for the month of February 2010 by March 2010. The first report (DMR) is due for second quarter of 2010 by July 10, 2010. The first report (DMR) is due for the annual period of 2010 by January 10, 2011.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period.

Alternatively, any owner under Section 62.1-44.16, 62.1-44.17, and 62.1-44.19 of the State Water Control Law aggrieved by any action of the State Water Control Board taken without a formal hearing, or by inaction of the Board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the Board. Said petition must meet the requirements set forth in Section 1.23(b) of the Board's Procedural Rule No. 1. In cases involving actions of the Board, such petition must be filed within thirty days after notice of such action is mailed to such owner by certified mail.

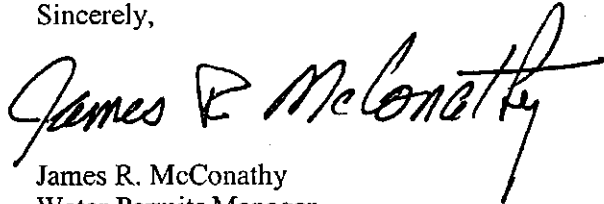
This facility has Class II licensed wastewater operator requirements.

Note that DEQ has launched an e-DMR program that allows you to submit the effluent data electronically. If you are interested in participating in this program please visit the follow website for details:

<http://www.deq.virginia.gov/water/edmrfaq.html>

If you have any additional questions, please do not hesitate to contact Mark H. Sauer at 757-518-2105 or by email at [mark.sauer@deq.virginia.gov](mailto:mark.sauer@deq.virginia.gov).

Sincerely,

A handwritten signature in black ink, reading "James R. McConathy". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

James R. McConathy  
Water Permits Manager

JRM/ms

cc: DEQ - OWPP, TRO File  
EPA - Region III (3WP12)

Encl: Permit No. VA0003433  
Revised Fact Sheet Page

EPA COMMENTS RECEIVED ON DRAFT PERMIT: Document any comments received from the U.S. Environmental Protection Agency and noted how resolved.

EPA has no objections to the adequacy of the draft permit.

There was discussion with EPA RCRA and Permit staff during the application review and permit drafting time period concerning the discharge of the lagoon wastewater. Both the RCRA and the Permitting sections were involved in the permitting process for this modification.

SEE ATTACHMENT 14

ADJACENT STATE COMMENTS RECEIVED ON DRAFT PERMIT: Document any comments received from an adjacent state and noted how resolved.

The draft permit was sent to North Carolina and no comments were received.

OTHER AGENCY COMMENTS RECEIVED ON DRAFT PERMIT: Document any comments received from any other agencies (e.g., VIMS, VMRC, DGIF, etc.) and noted how resolved.

Not Applicable.

OTHER COMMENTS RECEIVED FROM RIPARIAN OWNERS/CITIZENS ON DRAFT PERMIT: Document any comments received from other sources and note how resolved.

The application and draft permit have received public notice in accordance with the VPDES Permit Regulation, and one comment was received. The Blackwater/Nottoway Riverkeeper, Mr. Jeff Turner, submitted a letter supporting the permit modification and the new limits in the permit.

PUBLIC NOTICE INFORMATION: Comment Period: Start Date 12/2/09  
End Date 1/4/10

Persons may comment in writing or by e-mail to the DEQ on the proposed issuance/reissuance/modification of the permit within 30 days from the date of the first notice. Address all comments to the contact person listed below. Written or e-mail comments shall include the name, address, and telephone number of the writer, and shall contain a complete, concise statement of the factual basis for comments. Only those comments received within this period will be considered. The Director of the DEQ may decide to hold a public hearing if public response is significant. Requests for public hearings shall state the reason why a hearing is requested, the nature of the issues proposed to be raised in the public hearing and a brief explanation of how the requestor's interests would be directly and adversely affected by the proposed permit action.

All pertinent information is on file and may be inspected, and arrangements made for copying by contacting Mark Sauer at: Department of Environmental Quality (DEQ), Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA 23462. Telephone: 757-518-2105 E-mail: mark.sauer@deq.virginia.gov

Following the comment period, the Board will make a determination regarding the proposed issuance/reissuance/modification. This determination will become effective, unless the Director grants a public hearing. Due notice of any public hearing will be given.